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June 25, 2019

**Via ECFS**

Marlene J. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street SW  
Washington, DC 20554

**Re: Commonwealth Edison Company and Crown Castle Fiber LLC's Joint  
Statement on Procedural Issues (Proceeding Number 19-169, 19-170;  
Bureau ID Number EB-19-MD-004, EB-19-MD-005)**

Ms. Dortch:

Please find attached Commonwealth Edison Company and Crown Castle Fiber LLC's  
Joint Statement on Procedural Issues in Proceeding Number 19-169, 19-170; Bureau ID Number  
EB-19-MD-004, EB-19-MD-005.

Sincerely,



Timothy A. Doughty  
Attorney for Commonwealth Edison Company

Enclosures

cc: Lisa Saks, Enforcement Bureau  
Adam Suppes, Enforcement Bureau  
Anthony DeLaurentis, Enforcement Bureau  
Rosemary McEnery, Enforcement Bureau

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

	)	
	)	
<b>Crown Castle Fiber LLC,</b>	)	
<b><i>Complainant,</i></b>	)	
	)	<b>Proceeding Number 19-169</b>
	)	<b>19-170</b>
<b>v.</b>	)	<b>Bureau ID Number EB-19-MD-004</b>
	)	<b>EB-19-MD-005</b>
<b>Commonwealth Edison Company,</b>	)	
<b><i>Defendant</i></b>	)	

**JOINT STATEMENT ON PROCEDURAL ISSUES**

Pursuant to the Commission’s June 21, 2019 and June 25, 2019 Notices of Formal Complaint and pursuant to a request from FCC Special Counsel, Commonwealth Edison Company (“ComEd”) and Crown Castle Fiber LLC (“Crown Castle”), through undersigned counsel, submit the following Joint Statement on Procedural Issues.

ComEd and Crown Castle have conferred regarding the date of service for the two complaints captioned above, and agree that although Crown Castle believes it complied with the service requirements by providing an FTP link to its complaint documents, ComEd was unable to access those documents for either complaint until June 20, 2019. Accordingly, and without agreeing that the rules require any extension, ComEd and Crown Castle agree to move ComEd’s Answer date forward one day. Because the revised Answer date falls on a Saturday, ComEd and Crown Castle agree that ComEd’s Answer will be due on Monday, July 22, 2019. Pursuant to the Commission’s rules, Crown Castle’s Reply to ComEd’s Answer will be due 10 days later on


August 1, 2019. All other procedural dates in the Commission's June 21, 2019 and June 25, 2019 Notices of Formal Complaint will remain the same.

ComEd and Crown Castle acknowledge that the FCC's rules permit Motions to Dismiss to be filed<sup>1</sup> and that pursuant to the FCC's *Rules Consolidation Order*, motions to dismiss are rarely warranted.<sup>2</sup> ComEd is preparing and plans to file a Motion to Dismiss and request that the Commission hold both complaint proceedings in abeyance pending resolution of the Motion to Dismiss. Crown Castle plans to oppose the Motion to Dismiss and to oppose holding the proceedings in abeyance.

ComEd and Crown Castle consent to electronic service via e-mail for all filings, pleadings, and motions associated with the above-captioned proceedings.

Respectfully submitted,

**Commonwealth Edison Company**



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**Crown Castle Fiber LLC**

\_\_\_\_\_/s/  
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June 25, 2019

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<sup>1</sup> 47 C.F.R. § 1.729(d).

<sup>2</sup> *In the Matter of Amendment of Procedural Rules Governing Formal Complaint Proceedings Delegated to the Enforcement Bureau*, Report and Order, 33 FCC Rcd 7178, 7183, at ¶¶ 12-14 (2018).

## CERTIFICATE OF SERVICE

I, Timothy A. Doughty, hereby certify that on this 25<sup>th</sup> day of June 2019, a true and authorized copy of Commonwealth Edison Company and Crown Castle Fiber LLC's Joint Statement on Procedural Issues was served on the parties listed below via electronic mail and was filed with the Commission via ECFS.

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